



Atty. Dkt. No. 028622-0108

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Peter JUNGBLUT et al.

Title: IDENTIFICATION OF SPECIFIC DIFFERENTIALLY EXPRESSED  
MYCOBACTERIAL ANTIGENS

Appl. No.: 09/890,339

Filing Date: 03/12/2002

Examiner: Rodney P. Swartz

Art Unit: 1645

**AMENDMENT TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith are the following in response to the Office Action dated July 19, 2004:

- [ X ] Assertion of Small Entity status (1 page).
- [ X ] Amendment and Reply Under 37 CFR 1.111 (22 pages).
- [ X ] Article entitled "Deciphering the biology of *Mycobacterium tuberculosis* from the complete genome sequence," COLE et al., *Nature*, 11 June 1998, pp. 537 – 544, Vol. 393 (including an additional 10 pages of Functional Classifications).
- [ X ] Article entitled "Deciphering the biology of *Mycobacterium tuberculosis* from the complete genome sequence," COLE et al., *Nature*, 12 November 1998, pp. 190-198, Vol. 396.
- [ X ] Declaration of Stephen H.E. Kaufmann Under 37 CFR 1.132 (10 pages)
- [ X ] Cirriculum Vitae of Stephen H.E. Kaufmann (18 pages)
- [ X ] Information Disclosure Statement (2 pages).
- [ X ] PTO/SB/08 listing 3 documents (1 page).

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[ X ] Copies of 3 listed documents.

[ X ] The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For	=	Extra Claims Present	x	Rate	=	Additional Claims Fee
Total Claims:	40	-	34	=	6	x	\$18.00	\$108.00
Independent Claims:	4	-	3	=	1	x	\$88.00	\$88.00
First presentation of any Multiple Dependent Claims:					+	\$300.00	=	\$0.00
						CLAIMS FEE TOTAL	=	\$196.00

[ X ] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[ X ] Extension for response filed within the first month:	\$110.00	\$110.00
[ ] Extension for response filed within the second month:	\$430.00	\$0.00
[ ] Extension for response filed within the third month:	\$980.00	\$0.00
[ ] Extension for response filed within the fourth month:	\$1,530.00	\$0.00
[ ] Extension for response filed within the fifth month:	\$2,080.00	\$0.00
EXTENSION FEE TOTAL:		\$110.00
CLAIMS AND EXTENSION FEE TOTAL:		\$306.00
[ X ] Small Entity Fees Apply (subtract ½ of above):		\$153.00
TOTAL FEE:		\$153.00

- [ X ] Check no. 39657 in the amount of \$153.00 is enclosed for payment of extra claims and one-month extension of time.
- [ X ] Check no. 39658 in the amount of \$180.00 for Information Disclosure Statement submission in accordance with 37 CFR 1.97(c).
- [ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date November 19, 2004

By Richard C. Peet

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

Richard C. Peet  
Attorney for Applicant  
Registration No. 35,792



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**ASSERTION OF SMALL ENTITY STATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.27(c)(1), Applicants hereby assert entitlement to small entity status in the above-identified application.

Respectfully submitted,

Date November 19, 2004

By Richard C. Peet

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Telephone: (202) 672-5483  
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Richard C. Peet  
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